



Annexure A

Annexure Clause

THIS IS THE ANNEXURE OF 11 PAGES MARKED "A" SIGNED BY ME

AND DATED _____.____.____ SIGNED _____

Statement of Compliance

THE RULES OF THE SAPPHIRE COAST KART CLUB INC.

HEREIN ARE IN ACCORDANCE WITH SECTION 11 AND CONTAIN THOSE MATTERS SPECIFIED IN SCHEDULE 1, OF THE ASSOCIATIONS INCORPORATION ACT 1984.

SIGNED _____ SIGNED _____

Constitution

of

Sapphire Coast Kart Club Inc.

Incorporated in NSW on 17th March 1984

Registered number Y1922325

Revised

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1. NAME

1.1 The name of the club shall be "Sapphire Coast Kart Club Incorporated".

1.2 The club shall also be known as "SCKC".

2. OBJECTIVES

2.1 The objectives of the club shall be:

2.1.1 To foster the sport of kart racing.

2.1.2 To promote a facility for driver education to the local community.

2.1.3 The SCKC shall remain a non-profit organisation. The assets and income of the SCKC shall be applied solely in the furtherance of its objectives and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of the SCKC.

3. INTERPRETATION AND DEFINITIONS

3.1 Doubts arising as to the application or meaning of a rule of the Club Constitution shall be resolved by the Committee.

3.2 The following definitions shall apply:

"the Act " means the Associations Incorporation Act, 1984 (NSW) and amendments

"the Regulation" means the Associations Incorporation Regulation 1994 (NSW)

"Club" means The Sapphire Coast Kart Club Incorporated

"Club year" means January 1st to December 31st.

"Committee" means the committee of the Club

"Department" means the Department of Fair Trading

"member " means a financial active member

"month" means a calendar month

"special general meeting" means a general meeting other than an annual general meeting

4. MEMBERSHIP

4.1 There shall be four classes of membership:

- (1) Individual Competition
- (2) Family Competition
- (3) Social
- (4) Honorary

4.2 A "prospective member" shall be a person who has applied for membership pursuant to Rule 4.5 . They shall not have any voting rights. The Committee may terminate any prospective membership at its discretion.

4.3 An "active member" shall be a person who has been admitted to such membership in accordance with these rules.

4.4 Honorary membership may be conferred on a person by the Committee in special circumstances. Honorary members shall enjoy all the privileges of the association and shall not be required to pay any annual subscription fees.

4.5 Membership fees shall be decided annually at the Annual General Meeting upon presentation of accounts and budgets by the Treasurer. All fees are subject to review by the committee.

4.6 A person shall not be eligible for membership, other than prospective membership of the association, unless that person is eighteen years of age or older

4.7 The Committee shall decide upon acceptance or rejection of an applicant for membership and shall not be required to give any reason for acceptance or rejection of the application.

4.8 The Committee shall maintain a membership register containing the name, address, commencement and cessation dates of each member.

4.9 The Committee shall have the power to cancel membership where the Committee judges the conduct of the member to be contrary to the objectives and rules of the Club or prejudicial to the interests of the Club.

4.10 A decision by the Committee to cancel membership shall be subject to the following:

4.10.1 the Secretary shall notify the member in writing within seven days of the decision.

4.10.2 The member shall be given the opportunity to present an explanation to the Committee within one month or by arrangement within three months.

4.10.3 In the event of the decision being confirmed by the Committee, the member shall, within two months, have the right of appeal to a General Meeting of the Club.

4.10.4 The decision of that General Meeting shall be binding.

4.11 A member failing to pay any fees in full by the end of February shall be deemed to have resigned membership of the Club.

4.12 Membership shall cease upon resignation, expulsion or death.

4.13 A right, privilege or obligation, which a person has by reason of being a member, is not capable of being transferred or transmitted to another person and terminates on cessation of the person's membership.

5. CLUB OFFICES

5.1 The Offices of the Club shall be President, Vice President, Secretary and Treasurer.

5.2 A member shall only hold one of the above Offices at any time.

5.3 The Club Committee shall consist of the above Office Bearers and two other elected members.

5.4 A member shall not hold the office of President for longer than two consecutive years unless no one else stands for the position.

6. ELECTION OF OFFICE BEARERS

6.1 A nominee for any Office of the Club shall be a member of the Club.

6.2 The Office Bearers shall be elected at each Annual General Meeting and shall commence holding office until the next Annual General Meeting or until the office become vacant. Following the presentation of the annual reports at the Annual General Meeting, a Returning Officer shall be appointed by the President and all Offices then declared vacant. The Returning Officer shall conduct the elections.

6.3 A nomination for office may be in writing or may be presented by a member at the election.

6.4 The following voting conditions shall apply:

6.4.1 in the event of only one nomination for an office, the Returning Officer shall declare the nominee elected.

6.4.2 In the event of more than one nomination for an office, a simple majority vote shall resolve the ballot.

6.4.3 The requirement for a secret ballot shall be decided by the meeting.

6.4.4 In the event of an equal vote, the Returning Officer shall decide upon the method of resolution.

6.4.5 Proxy voting shall not be allowed.

7. VACATION OF AN OFFICE

7.1 An Office shall be declared vacant under the following conditions:

7.1.1 the position is not filled at the Annual General Meeting.

7.1.2 The Office Bearer submits a written resignation from the position.

7.1.3 The Office Bearer ceases to be a member of the Club (Refer to Rule 4.8).

7.1.4 In the assessment of the Committee, the Office Bearer is not able to fulfil the duties of the position.

7.1.5 The Office Bearer is absent from three consecutive Committee meetings without approval of the committee.

7.2 Nominations shall be called to fill the position for a vacant Office of the Club at the next General Meeting.

7.3 In the event of the position not being filled at the general meeting, the Committee shall appoint a member to the Office.

8. RESPONSIBILITIES OF OFFICE BEARERS

8.1 The President shall direct the general functioning of the Club and shall preside at all meetings of the Club.

8.2 The Vice-President shall perform presidential duties in the absence of the President or otherwise as arranged with the President.

8.3 The Secretary shall maintain:

8.3.1 A record of minutes of all meetings of the Club.

8.3.2 Records of correspondence, Club policies, membership register, statutory documentation, special reports and other relevant papers.

8.3.3 An attendance register of members and visitors at each General Meeting.

8.3.4 Custody of the common seal of the Club. (Refer to Rule 12)

8.4 The Treasurer shall ensure that:

8.4.1 A record of full financial transactions and accounts are kept.

8.4.2 Club regulations regarding finance are applied. (Refer to Rule 15)

8.4.3 A financial and property report is presented at each Annual General Meeting. (Refer to Rule 20.7.2)

8.5 The Newsletter Editor shall ensure that Club newsletters are compiled, produced and made available for issue.

8.9 The delegates to affiliated organisations shall represent the interests of the Club in the affairs of the respective organisations. Delegates shall report to the Committee on the proceedings of the respective organisations.

9. PUBLIC OFFICER

9.1 The Public Officer shall be appointed by the Club Committee.

9.2 The Public Officer shall ensure that the relevant requirements of the Act are applied.

9.3 The Public Officer shall be:

9.3.1 over eighteen years of age.

9.3.2 A resident of New South Wales.

9.3.3 of sound mental health

9.3.4 Financially solvent

9.4 The appointment shall be made within one month after each Annual General Meeting.

9.5 The position of Public Officer shall become vacant under the following conditions:

9.5.1 the appointee submits a written resignation from the position.

9.5.2 The conditions for appointment are breached. (Refer to Rule 9.3)

9.5.3 In the assessment of the Committee, the appointee is not able to fulfil the duties of the position.

9.6 Should the position of Public Officer become vacant, the Committee shall, within fourteen days, appoint a new Public Officer and notify the Department of the change.

10. CLUB MANAGEMENT

10.1 The Club shall be managed by the Club Committee.

10.2 The powers and duties of the Club Committee shall be:

10.2.1 to supervise the general functioning of the Club.

10.2.2 To transact all business of the Club.

10.2.3 To appoint a Public Officer. (Refer to Rule 9)

10.2.4 To administer the relevant terms and conditions of the Act.

10.2.5 To appoint a Returning Officer for each Annual General Meeting.

10.2.6 To establish funds and acquire equipment for the purposes of realising the objectives of the Club. (Refer to Rule 15)

10.2.7 To supervise the financial affairs of the Club.

10.2.8 To effect and maintain an insurance policy as required under the Act.

10.2.9 To safeguard the interests of the Club.

10.2.10 to establish Sub-Committees. (Refer to Rule 11)

10.2.11 to preside over disputes arising within the Club.

10.2.12 to attend to such business as decided at a General Meeting.

10.3 All documents, books, financial records and reports of the Club shall be available for inspection by a member at any reasonable time.

11. SUB-COMMITTEES

11.1 A Sub-Committee shall deal with matters of a special nature and shall be confined to the terms under which the Sub-Committee is established.

11.2 The President shall be an ex-officio member of all Sub-Committees.

11.3 Proceedings and recommendations from a Sub-Committee shall be presented to the Committee.

12. COMMON SEAL

12.1 The Common Seal of the Club shall be kept in the custody of the Secretary, and shall only be used with the approval of the Club Committee.

12.2 The stamping of the seal shall be witnessed by the signatures of any two Committee members.

12.3 The application of the seal shall be recorded in a special register.

13. CLUB BADGE

13.1 The Club badge shall be circular in shape with a stylised picture of a frog in a kart. The words SAPPHIRE COAST KART CLUB shall be around the perimeter. The background colour shall be white and the name shall be coloured black or blue.

14. BY-LAWS

14.1 By-Laws of the Club shall be consistent with the Club Constitution and shall be binding on all members.

14.2 All matters regarding By-Laws shall be introduced as a motion "on notice" at a General Meeting (Refer to Rule 18.7)

14.3 By-Laws of the Club shall be collated and made available for issue.

15. FUNDS AND PROPERTY

15.1 The assets and income of the Club shall be applied solely towards the promotion of the objectives of the Club.

15.2 The funds of the Club shall be derived from membership fees, donations, grants and such other means as approved by the Club.

15.3 All money received by the Club shall be paid into an account, or accounts, in the name of Sapphire Coast Kart Club Incorporated.

15.4 All equipment purchased by or donated to the Club shall become the property of the Club.

15.5 The disposal of Club property or assets shall be in accordance with the requirements of the Act.

15.6 No funds shall be distributed directly or indirectly to the members of the Club except as bona fide compensation for services rendered or expenses incurred on behalf of the Club. The distribution of funds directly or indirectly to members shall be approved at a General Meeting and documented in the minutes of the meeting.

15.7 Financial donations to other organisations for special purposes shall be determined by members at a General Meeting and shall be approved at a General Meeting and documented in the minutes of the meeting.

15.8 All matters regarding membership fees, levies or special fees shall be introduced as a motion "on notice" at a General Meeting.

15.9 Cessation of membership shall forfeit any claim by a member to the funds or property of the Club.

15.10 A member shall have no liability to contribute towards the payment of debts and liabilities of the Club or the costs, charges and expenses of the dissolution of the Club, except to the amount of personal unpaid membership fees.

15.11 Payments of Club accounts shall be made by:

15.11.1 a petty cash system up to an amount determined by the Club Committee.

15.11.2 a cheque transaction requiring endorsement by any two of: President, Vice President, Secretary or Treasurer

15.12 A complete and true record of financial transactions, assets and liabilities for the period from January 1st to December 31st of each year shall be presented at the Annual General Meeting.

15.13 Prior to dissolution of the Club, any funds and property remaining after satisfaction of all debts and liabilities shall not be distributed among the members of the Club but shall be given or transferred to some other organisation which is itself a non-profit organisation and whose objectives are compatible with the objectives of the Club.

16. COMMITTEE MEETINGS

16.1 The Committee shall meet once per month but not less frequently than once per two consecutive months.

16.2 Notice of dates of Committee Meetings shall be included in the Club program.

16.3 A quorum for a Committee Meeting shall be fifty percent of Committee members or five Committee members whichever is the greater.

16.4 In the event of the President being absent, unwilling or unable to preside, the Vice-President shall take over the duties of Club President for the meeting only.

16.5 The following voting conditions shall apply:

16.5.1 The requirement for a secret ballot shall be decided by the meeting.

16.5.2 The proposal shall be resolved by a simple majority vote.

16.5.3 In the event of an equal result, the Chairman shall have a second vote.

16.5.4 Proxy voting shall not be allowed.

16.6 Proceedings of Committee meetings shall be available to any Club member.

16.7 Committee Meetings shall be open to Club members subject to a decision by the Chairman to restrict attendance to all or part of the meeting.

16.8 A Special Committee Meeting shall be convened by the President on the request of not less than four Committee members. The meeting shall be held within ten days of the receipt of the request.

16.9 In the event of the total number of Committee members becoming less than a quorum, the Committee shall act only to recruit Office bearers.

17. SUB-COMMITTEE MEETINGS

17.1 A Sub-Committee shall meet as required.

17.2 A quorum for a Sub-Committee shall be fifty percent of the appointed members.

18. GENERAL MEETINGS

18.1 A General Meeting shall be conducted not less frequently than once per two consecutive months.

18.2 Notice of dates of General Meetings shall be included in the Club program.

18.3 A quorum for a General Meeting shall be five members or ten percent of membership whichever is the greater.

18.4 In the event of the President being absent, unwilling or unable to preside, the Vice-President shall take over the duties at the meeting.

18.5 The following voting conditions shall apply:

18.5.1 The requirement for a secret ballot shall be decided by the meeting.

18.5.2 The proposal shall be resolved by a simple majority vote.

18.5.3 In the event of an equal result, the Chairman shall have a second vote.

18.5.4 Proxy voting shall not be allowed.

18.6 Any motion shall be placed "on notice" upon any of the following conditions:

18.6.1 On the request of the proposer and seconder.

18.6.2 On the decision of the Chairman.

18.6.3 On a resolution of the meeting.

18.7 A "notice of motion" shall be issued at the General Meeting prior to the meeting when the matter is to be presented. The motion shall be in writing and shall contain the signatures of the proposer and seconder.

19. SPECIAL GENERAL MEETINGS

19.1 The President shall convene a Special General Meeting on the request of the Committee or by notice in writing by not less than ten percent of the members.

19.2 The meeting shall be held within two months of receipt of the request.

19.3 Notification of the meeting, including details of the agenda, shall be delivered or mailed to each member not less than three weeks prior to the meeting.

19.4 A quorum for a Special General Meeting shall be five members or ten percent of membership whichever is the greater.

19.5 In the event of the President being absent, unwilling or unable to preside, a Chairman shall be elected from the members present.

19.6 The following voting conditions shall apply:

19.6.1 The requirement for a secret ballot shall be decided by the meeting.

19.6.2 A seventy-five percent majority vote shall be required to adopt the proposal.

19.6.3 Proxy voting shall not be allowed.

19.7 In the event of it not being possible or practicable to resolve the proposal, the Committee may apply to the Department for permission to use a substitute method of resolution.

19.8 In the event of the lack of a quorum, the Special General Meeting shall be transferred to the date of the next General Meeting at which all members present shall constitute a quorum.

20. ANNUAL GENERAL MEETINGS

20.1 The Annual General Meeting shall be held during the month of July each year.

20.2 Notice of the date of the Annual General Meeting shall be included in the Club program.

20.3 Notification of the meeting, including details of the agenda, shall be delivered or mailed to each member not less than three weeks prior to the meeting.

20.4 A quorum for an Annual General Meeting shall be five members or ten percent of membership whichever is the greater.

20.5 In the event of the President being absent, unwilling or unable to preside, the Vice President shall take over the duties of the President for the meeting or in the event that a Vice-President is also not available a Chairman shall be elected from the members present.

20.6 Voting conditions, except for the election of Club Office Bearers, shall be the same as for a General Meeting.

20.7 The following business items shall be transacted:

20.7.1 Presentation of the minutes of the previous Annual General Meeting.

20.7.2 Presentation of the finance and property report for the past Club year.

20.7.3 Presentation of the Committee report for the past Club year.

20.7.4 The election of the Club Office Bearers. (Refer to Rule 6)

20.8 In the event of a lack of a quorum, the Annual General Meeting shall be transferred to the date of the next General Meeting at which all members present shall constitute a quorum.

21. AFFILIATIONS

21.1 The Club shall establish and maintain an affiliation with ~~the Australian Karting Association hereinafter called the AKA~~ a NSW Government appointed State Sporting Organisation (SSO) responsible for sanctioning Go Karting events in New South Wales.

Note: The proposed wording of section 21.1 will be put to a member vote mid-2024.

21.2 Affiliation or disaffiliation with other organisations shall be decided at a Special General Meeting. (Refer to Rule 19)

22. INSURANCE COVER

22.1 The Club shall provide Public Liability insurance cover for all members.

22.2 The Club shall provide limited Personal Injury insurance cover for all members.

23. CONSTITUTION ALTERATION

23.1 An alteration to the Club Constitution shall be decided at a Special General Meeting.

24. DISSOLUTION

24.1 Dissolution of the Club shall be decided at a Special General Meeting.

25. SPECIAL PRIVILEGES

25.1 At an Annual General Meeting held on the 12th September 2004 a special privilege was passed by all present at this meeting to consider the allocation of Pit Pads at the site location. The allocation of Pit Pad's will be deemed at the discretion of the President and/or Committee